

REMARKS

Claims 1-10, 13-25, 28, and 35-46 are pending. Claims 1, 2, 4-10, 13, 16, 17, 19-23, 25, 28, and 35 have been amended, claims 11, 12, 26, 27, and 29-34 have been canceled, and new claims 39-46 have been added to recite additional features of Applicant's invention.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, claims 1-38 were rejected under 35 U.S.C. §102(b) for being anticipated by European Patent Application No. 0364935. This rejection is respectfully traversed for the following reasons.

Claim 1 recites broadly embodiments of the invention disclosed in the specification. In particular, claim 1 recites a sound generator having a first plurality of holes, a housing having a second plurality of holes, and a sound controller between the sound generator and housing. Claim 1 further recites that the sound controller includes "a leakage member having a third plurality of holes for leaking sound traveling from the holes in the sound generator to the holes in the housing." These features are not disclosed by the European application.

The European application discloses a sound transducer 3 mounted within the housing 2 of a telephone handset. In operation, sound generated from the transducer passes through holes 10 in a lower portion of the transducer housing and exits through holes 6 in the handset housing. This sound may further pass through aperture 14 circumferentially located in a housing of the transducer. (See Figure 3) Unlike claim 1, however, the European application does not disclose a leakage member which leaks sound traveling from holes 10 in

the transducer to holes 6 in the handset housing. Instead, as shown in Figure 1, the sound exiting holes 10 are directed through holes 6 by the solid walls of surface 4, which mounts a housing of transducer 3 to an inner surface of housing 2. Moreover, as shown in Figure 3, apertures 14 are located along a circumferential surface of the transducer housing, and not in a position between transducer 3 and housing 2 for leaking sound passing through holes 6 in the handset housing.

From Figures 1 and 3 and corresponding portions of its disclosure, it is apparent that the European application does not disclose “a leakage member having a third plurality of holes for leaking sound traveling from the holes in the sound generator to the holes in the housing” as recited in claim 1. Absent a disclosure of these features, it is respectfully submitted that the European application cannot anticipate claim 1. Applicant further submits that these differences are sufficient to render claim 1 and its dependent claims non-obvious and thus allowable over the European application.

Claim 4 recites that “a portion of the holes in the leakage member are aligned with the holes in the housing and wherein other holes in the housing are blocked by the leakage member.” The European application does not disclose these features.

Claim 5 recites that the holes in the leakage member are arranged relative to the holes in the housing to leak sound in a circumferential direction. The European application does not disclose these features, i.e., while apertures 14 are located in a circumferential direction, they are not located in a leakage member which leaks sound traveling from the holes in the

sound generator to the holes in the housing.

Claim 6 recites that the holes in the leakage member are arranged at regular intervals in a circumferential direction. The European application does not disclose the leakage member of claim 1 and therefore fails to disclose the additional features recited in claim 6.

Claim 7 recites that the leakage member is cylindrical in shape and wherein the holes of the leakage member are in a circumferential direction. The European application does not disclose the leakage member recited in claim 1 and therefore also fails to disclose the additional features recited in claim 7.

Claims 8-10 recite additional features of the leakage member which are also missing from the European application.

Claims 16 and 35 recite features similar to those which patentably distinguish claim 1 from the European application. Accordingly, it is respectfully submitted that these claims and their dependent claims are allowable over the European application. Applicant further submits that the dependent claims are also allowable based on the features separately recited therein.

New claims 39-46 have been added to the application.

Claim 39 recites that “the holes in the leakage member are arranged at least substantially perpendicular to the holes in the housing or sound generator.” The European application does not disclose these features.

Claim 40 recites that “the holes in the leakage member are arranged at least substantially perpendicular to the holes in the housing and sound generator.” The European application does not disclose these features.

Claim 41 recites that “the holes in the housing are aligned with the holes in the sound generator.” The European application does not disclose these features.

Claim 42 recites that “the holes in the leakage member are arranged to reduce a change in volume of the sound passing through the second plurality of holes.” The European application does not disclose these features.

Claims 33-36 recite features similar to claims 39-42 and therefore are allowable for similar reasons.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Samuel W. Ntiro, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

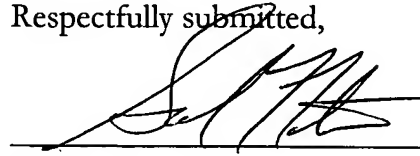
To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with this application to Deposit

Serial No. 10/607,560
Amendment dated May 24, 3006
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Docket No. P-0401

Account No. 16-0607 and credit any excess fees to the same Deposit Account.

Respectfully submitted,



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